

PROPOSED LANGUAGE
Peace Officer Feasibility Study Requirements
Regulation 1019 Replaced by Regulation 9020

Title 11, Division 9. Commission on Peace Officer Standards and Training
Chapter 2. Feasibility Studies

9020. Peace Officer Feasibility Study Requirements

~~§ 1019~~ 9020 (a) Feasibility Studies Requirement for Peace Officer Status/Designation Requests

Pursuant to Penal Code sections 13540-42, a request for the Commission to undertake a feasibility study shall be made before any additions or changes to peace officer designation can be considered.

~~(a) Request for Feasibility Study~~

(b) Feasibility Study Request

(1) Written Request

A written request for a feasibility study shall be made by the following:

(4A) Any person(s) or persons, not currently a peace officer, desiring peace officer status under Chapter 4.5 (commencing with ~~§~~Section 830) of Title 3 of Part 4 ~~2~~ of the Penal Code, who, on January 1, 1990, were not entitled to be designated as peace officers under chapter 4.5, shall request in writing that the Commission undertake a feasibility study regarding designating that person or persons as peace officers. or

(2B) Any person(s) or persons who is/are designated as peace officer(s) under Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, desiring a change in peace officer designation or status shall request in writing that the Commission undertake a feasibility study to assess the need for the change.

(32) Content of Request

The written request for the study shall include a statement that the person(s), ~~persons~~ or entity making the request agrees to pay the actual cost for conducting the study and to provide POST with necessary information to conduct the study.

(43) Employing Jurisdiction Acknowledgement of Request

The department head of the jurisdiction employing the person(s) ~~or persons~~ requesting the feasibility study shall acknowledge the request in writing.

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(c) Feasibility Study

(1) **Scope**

The Commission shall conduct all feasibility studies within the scope specified in Penal Code Section 13541. The scope of a study shall include, but not be limited to, the current and proposed duties and responsibilities and the field law enforcement duties and responsibilities of the study's requestor(s). A study involving a change in peace officer designation shall consider the extent to which the requestor's current duties and responsibilities require additional peace officer powers and authority. A study shall include on-site visitations to verify duties and responsibilities.

~~(b) Determining actual study costs~~

- ~~(1) A fee will be charged to conduct all studies. The fee will be based upon actual direct costs for completing the study, and indirect costs determined in accordance with sections 8752 and 8752.1 of the State Administrative Manual.~~

~~(c) Payment of fees~~

- ~~(1) Fees shall be paid upon completion of the feasibility study and before the report and recommendations are released to the person, persons or entity who requested the study.~~

~~(d) Studies shall be conducted in accordance with P. C. section 13541.~~

~~(1)-(2) **Solicitation of Comments**~~

~~During the conduct of a studyies, written comments will be solicited from the employing jurisdiction's chief administrator, ~~and from~~ the concerned department head, and other interested parties.~~

- ~~(2) Conduct of studies shall include on-site visitations to verify duties and responsibilities.~~

(3) Study Fee

POST shall charge a fee to conduct the feasibility study based upon actual direct costs for completing the study and indirect costs determined in accordance with State Administrative Manual sections 8752 and 8752.1. Upon payment of the study fee by the requestor(s), the completed feasibility study and its recommendations shall be released to the requestor(s). A copy of that study and POST's recommendation shall also be submitted to the Legislature.

(4) Commencement of Work on the Study

The study shall commence after the mutual acceptance of a contract between the requesting person(s) or their representing entity and the Commission.

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Favorable Study Recommendations

~~Favorable~~ A recommendations for in support of peace officer status or a change in designation or status shall be made in accordance with Penal Code Section 13542, and shall minimally include the following:

(1) **New Peace Officer Designation**

(A) Supervisory Structure

The person or persons desiring the designation change shall be employed by a department with a supervisory structure that includes a chief law enforcement officer.

(B) Training Requirements

The employing department shall agree to comply with the training requirements set forth in Penal Code Section 832.

(C) Funding Restriction

The employing department shall be subject to the funding restriction set forth in Penal **Code Section 13526.**

(2) **Change in Peace Officer Designation or Status**

(A) POST Program Participation

The person(s) desiring the change in peace officer designation or status shall be employed by a department currently participating in the POST program.

(B) Certificate Requirement

If the designation change is moving the person(s) into Penal Code Section 830.1, the person(s) shall obtain the POST Basic Certificate as set forth in Penal Code Section 832.4.

(fe)

~~The~~ Time Limits for eCompletion of Study

(1) **New Peace Officer Designation**

~~and issuance of the study report~~ The study report and its recommendations shall be issued to the requesting person(s) or entity within 18 months of the mutual acceptance of a contract between the requestor(s) and the Commission in accordance with Penal Code section 13542.

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(2) **Change in Peace Officer Designation or Status**

The study and its recommendations shall be issued to the requesting person(s) or entity within 12 months of the mutual acceptance of a contract between the requestor(s) and the Commission, or as soon as possible thereafter if the Commission shows good cause as to the need for an extension of the 12-month time period.

~~(g) The time limitation for completion and issuance of the feasibility study request for the Los Angeles Unified School District Police Department will be in accordance with Penal Code Section 13543. This subsection will be deleted as of January 1, 2002 unless extended by legislation.~~

~~(hf)~~ Appeals

(1) **Procedures for ~~a~~Appeal of ~~f~~Findings.**

~~(4)~~ If there is disagreement with the study recommendations, the person(s), ~~persons~~ or entity requesting the feasibility study, or the employing jurisdiction, may appeal in writing to the ~~collective members of the~~ Commission.

(2) **Written Acknowledgement**

(3) Requests for appeals will be acknowledged in writing.

Authority cited: Sections 13503, 13506, and 13540, Penal Code.

Reference: Sections 13540, 13541, and 13542 Penal Code.